

Remarks

This response is in response to the Restriction Requirement dated June 28, 2005.

Applicant notes that US Publication 2003/0232095 by Garti et al. (hereinafter "Garti") has been referenced as disclosing that coenzyme Q-10 is solubilized in limonene and a carrier. Applicant respectfully disagrees with this statement for the following reasons.

Garti discloses emulsions and micelle formulations of coenzyme Q-10, limonene and a carrier. (See for example paragraphs 40 through 42 wherein "micellar concentrates, water in oil and oil in water nano-sized structures (emulsions) are formed). These are not systems where coenzyme Q-10 is dissolved. A micelle is at least biphasic; that is having more than one phase.

The present invention utilizes formulations wherein the coenzyme Q-10 is dissolved. This is discussed in paragraph 19 of the present application. The coenzyme Q-10 is in solution as it is dissolved; not suspended as a nano-sized structure or in the form of a micelle as taught by Garti. This distinction is important. The present formulations have a single phase, not a binary phase, tertiary phase or more phasic, since the coenzyme Q-10 is dissolved in the limonene.

Applicant respectfully traverses the Restriction Requirement as it applies to Groups I, II, III and IV for at least the following reasons.

Claims 1, 2, 5 through 10, 28, 31, 14, 15, 18, 19, 22, 23, 25 through 27, 32 through 38, 41, 42 through 48 and 51, Group I, claims 1, 2, 5 through 9, 11, 28, 29, 14, 15, 18, 19, 22, 23, 25 through 27, 32 through 39 and 42 through 49, Group II, claims 1, 2, 5 through 9, 12, 28, 30, 14, 15, 18, 19, 22, 23, 25 through 27, 32 through 38, 40, 42 through 48 and 50, Group III, and claims 1, 2, 5 through 9, 13, 28, 14, 15, 18, 19, 20, 22, 23, 25 through 27, 32 through 37, and 42 through 47 are all classified in class 424, subclass 94.4.

As the Office Action notes, the inventions of Groups I-IV are related as compositions comprising coenzyme Q-10 and a quantity of limonene sufficient to solubilize the coenzyme. The additional additives are found in dependent claims; all claims depend directly or indirectly

from an independent claim that requires coenzyme Q-10 and limonene. If the independent claims are found allowable, all dependent claims would also be found allowable.

Moving on to the paragraphs that refer to an election of species; Applicant thanks Examiner Kosson for speaking with Applicant's representative on July 27, 2005 with regard to these paragraphs. It was determined that these paragraphs are irrelevant as there are no species for election.

In the event the above response is not found persuasive, Applicant respectfully elects Group I, claims 1, 2, 5 through 10, 28, 31, 14, 15, 18, 19, 22, 23, 25 through 27, 32 through 38, 41, 42 through 48 and 51. Remaining claims, 11 through 13, 20, 28 through 31, 39, 40, 49 and 50 would therefore be withdrawn from examination.

Applicant considers that the above arguments are responsive to the outstanding Restriction Requirement. If this is not deemed correct, Applicant respectfully requests an opportunity for further clarification, preferably via a telephonic interview.

Conclusion

No fee is believed necessary. However, if payment is needed the Commissioner is hereby authorized to charge our Deposit Account No. 04-1420 and notify us of the same.

In view of the above, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

If a telephone conference would be helpful in resolving any remaining issues, please contact the following at 612-340-8819.

Respectfully submitted,

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By: 

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